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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,813

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Venkatesh Sainath

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PIERCE, DAMON JOSEPH

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,813	Applicant(s) SAINATH ET AL.	
	Examiner DAMON PIERCE	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/24/06 and 5/3/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 1/24/06 and 5/3/07 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because German Foreign documents provided are in the German Language. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner does not completely understand what the scope or metes and bound of the claimed invention includes by reading the claims as presented. The claim language must be written in a matter comprehensible for a person of ordinary skill in the art to comprehend what it is the applicant has claimed as his/her invention, and claims as currently presented do not meet this requirement. As

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best understood the claim is describing a sensing means that recognizes the movement of visual data.

4. Regarding claim 4, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 3-4, 7-10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. 2003/0171142 to Kaji et al (Kaji).

Regarding independent claims 1 and 10, the instant application as best understood is an invention that describes a device that encompasses a scanning means, computing means, displaying means, and user interfacing means, where scanning means provides data to computing means related to software.

Regarding claims 1, 12, Kaji discloses a game playing device (10) for receiving input data by scanning graphical information (160), the device (10) comprising:

(a) scanning means (50) for transducing said input data from said graphical information (160) (see Fig. 3, elements 28 and 56, which discloses an IC card reader and image sensor);

(b) computing means (30) coupled to the scanning means (50) for receiving therefrom said input data comprising one or more of input parameters, software and solution parameters for controlling software execution within the computing means (30) (Fig. 3, 62, discloses a CPU, central processing unit, connected to image sensor and IC card reader);

(c) displaying means (40) coupled to the computing means (30) for presenting graphical output information from the computing means (30) to one or more users of the device (10) (Fig. 3, 26, discloses a monitor connected to the CPU);

(d) user interfacing means (60) coupled to the computing means (30) for receiving user input information and conveying said information to the computing means (30) for controlling operation of the computing means (30) (parg. 150, discloses a player

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card arrangement panel, and strategy direction buttons, also see Fig. 2, 24, and 32a-c, and Fig. 3, 66, discloses a input/output interface),

wherein the computing means (30) is operable to execute at least one of software pre-loaded therein or software subsequently loaded therein to drive the displaying means (40), said software functioning in response to input information and/or parameters input to the computing means (30) from at least one of the scanning means (50) and the user interfacing means (60) (see pargs. 150, and 152-153, which discloses the gaming apparatus functioning in response to cards and commands from a game player).

3. Kaji discloses a device according to Claim 1, wherein the displaying means (40) includes at least one of: one or more light emitting diodes (LEDs), one or more incandescent filament lamps, one or more liquid crystal displays (LCDs) and an interface for presenting information onto a television-type apparatus (Fig. 2, 26, discloses a display monitor).

4. Kaji discloses a device according to Claim 1, wherein the interfacing means (60) includes one or more of the following for entering data from one or more users to the computing means (30): one or more membrane switches, silicone conductive-material switches, conventional push-button switches, conductive pad switches, capacitance controlled switches, one or more stylus-type transducer (Fig. 6, 32a-c, and 34a-b, discloses buttons).

7. Kaji discloses a device according to Claim 1, wherein the scanning means (50) includes at least one of: a 1-dimensional array of photodetectors, a 2-dimensional array of photodetectors, an optically-sensitive charge-coupled-device (CCD), an complementary metal oxide semiconductor (CMOS) imaging device, a magnetic scanning device and an imaging scanning device (parg. 20, discloses an image sensor that recognizes card image data).

8. Kaji discloses a device according to Claim 7, wherein the scanning means (50) further comprises synchronization marker sensing means for assisting the scanning means to temporally synchronize to moving visual data presented thereto (as best understood, parg. 11, discloses the image sensor detects the position and direction (angle) of an card, where parg. 233 discloses a player moving cards).

9, 12, Kaji discloses a device according to Claim 7, wherein the scanning means (30) is capable of reading and conveying visual and/or magnetic information presented thereto to the computing means (30), said information comprising at least one of:

(a) executable software;

b) software operating parameters including at least one of: game configuration data, game difficulty parameters, game speed parameters, game character parameters, game layout parameters, device configuration data;

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(c) one or more of: answers and solutions to one or more pre-programmed games and software games input to the device (10) via its scanning means (30), and

(d) one or more Internet URLs.

(please see pargs. 11, 26-27 and 47, and Fig. 22 of Kaji, which discloses a number of game parameters associated with game characters).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2, 5-6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. 2003/0171142 to Kaji et al (Kaji).

2, 6, 11, Kaji discloses a device according to Claim 1, further including network interfacing means (80) for communicating with at least one of other game playing devices (100, 105) compatible with the device (10) (parg. 151, discloses terminal apparatuses connected via a network).

Kaji fails to explicitly disclose the Internet and wherein the network interfacing means (80) is arranged to support wireless communication, however, Kaji discloses an external network (parg. 151, where connecting gaming terminals to a Wide Area Network (WAN) such as the Internet is well known in the art, and connecting to other gaming apparatuses or to the Internet via wireless Internet or a wireless connection is well known in the art).

5, Kaji discloses a device according to Claim 4, except wherein the interfacing means (60) is susceptible to receiving information from television-type remote controls. It is well known in the art that the screen monitors such as those in described in Kaji are capable of receiving signals via a remote control.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

DJP